

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Gregory S. Campbell,

Plaintiff,

-V-

Case No. 2:05-cv-1125
JUDGE SMITH
Magistrate Judge King

American Electric Power Company, Inc.,
et al.,

Defendants.

ORDER

Plaintiff originally filed this employment discrimination action in state court, asserting both federal and state claims. Defendants removed the action to this Court. Plaintiff then dismissed his state law claims in this action, and refiled the state law claims in state court. Plaintiff now moves to voluntarily dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(a) conditioned upon him signing a release of his federal claims in favor of defendants.

This case is at an early stage. No discovery has taken place. The Magistrate Judge has not yet conducted the first preliminary pretrial conference. In light of these facts, the Court

finds that defendants would not suffer plain legal prejudice as a result of the dismissal of this action.

Defendants argue that allowing plaintiff to dismiss this action would run counter to the judicial policy against forum shopping. The Court concludes that, in this case, the policy against forum shopping does not outweigh the policy of allowing the plaintiff to be the master of his complaint. See Gros v. L & L Marine Transportation, Inc., No. Civ.A. 04-2681, 2005 WL 940494 (E.D. La. Apr. 19, 2005).

For the above reasons, the Court GRANTS plaintiff's motion, and hereby DISMISSES this action without prejudice conditioned upon plaintiff executing a release of his federal claims in favor of defendants.

The Court VACATES the preliminary pretrial conference set for May 10, 2006.

The Clerk shall remove this case from the Courts CJRA pending cases list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT

